

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

ROBERT WARD GARRISON,

Plaintiff,

v.

DOUG WADDINGTON, *et al.*,

Defendants.

Case No. C05-5487 RJB/KLS

ORDER DENYING PLAINTIFF'S  
MOTION FOR ACCESS TO LEGAL  
FILES AND GRANTING SUBPOENA  
DUCES TECUM

This 42 U.S.C. § 1983 civil rights action has been referred to United States Magistrate Judge Karen L. Strombom pursuant to Title 28 U.S.C. § 636(b) and Local MJR 3 and 4. Before the court is plaintiff's motion<sup>1</sup> for access to legal files and for an order authorizing his former counsel to produce his case file from a 1998 state court misdemeanor arrest. (Dkt. # 55). Since the filing of his motion, Plaintiff advises that Defendants have made his legal files available to him and that therefore, his motion for access to his legal files is now moot. Plaintiff still urges the Court, however, to address the issue of obtaining his state court case file from his former counsel. The Court interprets Plaintiff's motion as a

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<sup>1</sup>Plaintiff has requested the Clerk's Office to serve his motions upon opposing counsel through the court's transmission facilities, also known as CM/ECF. Plaintiff is advised that the local rules regarding electronic transmissions require that whenever a pleading or other document is filed in paper form for the Clerk's office to scan and upload to CM/ECF, the filer must serve conventional copies on all parties to the case. Accordingly, it is the Plaintiff's responsibility to serve the documents, not the Clerk's office.

1 request for discovery from a third party witness, which can only be accomplished, in this case, with a  
2 subpoena. Fed. R. Civ. P. 45.

3 Accordingly, Plaintiff's motion (Dkt. # 55) is **DENIED as moot**. The Clerk of the Court shall  
4 send Plaintiff a subpoena duces tecum, which Plaintiff shall complete and return to the Clerk for service  
5 upon counsel at the Associated Counsel for the Accused for the production of the case file in question.

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7 DATED this 2nd day of November, 2006.

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11 Karen L. Strombom  
12 United States Magistrate Judge  
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